

04-13-04

3627 4



PATENT
Docket No. 24180-044007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of: Galloway et al.)
)
)
Appln. No.: 08/899,410 ✓)
)
Filed: July 23, 1997)
)
For: Multilayer Thermoplastic Films)
and Packages Made Therefrom)
)
Examiner: R. Dye)
)
Art Unit: 3627)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop AF
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

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APR 20 2004
GROUP 3600

Dear Sir:

In accordance with 37 CFR §§ 1.56, 1.97 and 1.98, the references listed on the attached Form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. A copy of each reference cited is enclosed herein.

This Information Disclosure Statement is being submitted after the mailing date of a first Office Action on the merits. Therefore, Applicants have also submitted the appropriate fee under C.F.R. § 1.17 in order for the cited references to be considered.

The enclosed references were generated as the result of a Patent Interference (No. 105,092) between Cryovac, Inc. (Applications 09/583,654 and 08/996,367) and Pechiney Emballage Flexible

04/14/2004 EFLORES 00000061 130206 08899410
01 FC:1806 180.00 DA

CHI99 4260928-1.024180.0044

In re Appln. of Galloway, et al.
Appln. No. 08/899,410

Europe (Patent 6,437,064). U.S. Patent 6,437,064 claims priority from U.S. Serial No. 08/481,617, filed June 7, 1995 which is a continuation of U.S. Serial No. 08/082,226, filed June 24, 1993.

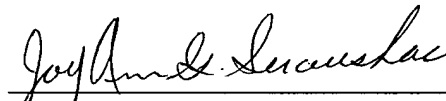
The references listed on the attached PTO Form-1449 do not represent all of the references generated by the Interferences proceedings, but only those references which have not already been cited to the Office.

Also, there is reserved the right to later set forth how the instant invention is distinguished over the disclosure of any reference or other art, including the disclosures of those references and other information discussed herein, that may be cited by the Examiner in rejecting a claim in the instant patent application.

The citation of the above documents and other information is not to be construed as an assertion that more pertinent art could not possibly be in existence.

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the enclosed Form PTO-1449 with initials or other appropriate remarks.

Respectfully submitted,



Joy Ann G. Serauskas, Reg. No. 27,952
Agent for Applicant(s)

Date: April 6, 2004

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Chicago, Illinois 60606-5096
tel. no.: (312) 372-2000
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(Rev. 5/92) Comparable to Form PTO-1449

OFFICE OF THE COMPTROLLER OF PATENTS & TRADEMARKS
APR 12 2004

SUPPLEMENTAL
INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)

Atty. Docket No. 24180-044007 App. No. 08/899,410

Applicants: Galloway et al.

Filing Date: July 23, 1997 Group: 3627

U.S. PATENT DOCUMENTS

| *Examiner Initial | | Document Number | Date | Name | Class | Subclass | Filing Date If Appropriate |
|-------------------|----|-----------------|------------|-------------------|------------|----------|----------------------------|
| | AA | 3,090,998 | 5/28/1963 | Heisterkamp et al | 18-57 | | |
| | AB | 3,645,992 | 2/29/1972 | Elston | 260-80.78 | | |
| | AC | 4,469,753 | 9/4/1984 | Yoshimura et al. | 428/475.8 | | |
| | AD | 4,557,780 | 12/10/1985 | Newsome et al. | 156/244.11 | | |
| | AE | 4,615,922 | 10/7/1986 | Newsome et al. | 428/35 | | |
| | AF | 4,777,095 | 10/11/1988 | Kondo et al. | 428/476.1 | | |
| | AG | 4,863,768 | 9/5/1989 | Ishio et al. | 428/34.9 | | |
| | AH | 5,298,326 | 3/29/1994 | Norpoth et al. | 428/349 | | |

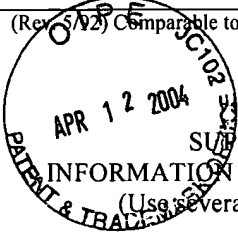
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FOREIGN PATENT DOCUMENTS

| | | | | | | | Translation | |
|--|----|-----------------|------------|---------|-------|----------|-------------|----|
| | | Document Number | Date | Country | Class | Subclass | Yes | No |
| | AJ | JP 58-102762 | | Japan | | | Abstract | |
| | AK | EP 0 416815 | March 1991 | Europe | | | | x |

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | |
|--|----|--|
| | AL | <i>"Exact Polymers For Targeted Performance in Film Packaging,"</i> distributed at PACK Expo, Chicago, November 8-12, 1992. |
| | AM | <i>"CGC Polyolefins Are For Applications With Many Major Packaging Markets, Says Dow,"</i> TECHPAK, October 5, 1992. |
| | AN | <i>"New Polyolefin Resins Emerge: 'Branched Linear' Copolymers,"</i> Modern Plastics Int'l., November 1992, pp. 16-18. |
| | AO | Panagopoulos, Jr., G. et al., "New Generations High Performance LLDPE Blown Film Resins Superior Physical Properties and Processability," Dow Plastics, pp. 266-278. |
| Examiner | | Date Considered: |
| *Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | | |

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|--|-------------------------------|---------------------|
| (Rev. 5/92) Comparable to Form PTO-1449  SUPPLEMENTAL INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) | Atty. Docket No. 24180-044007 | App. No. 08/899,410 |
| | Applicants: Galloway et al. | |
| | Filing Date: July 23, 1997 | Group: 3627 |

U.S. PATENT DOCUMENTS

| *Examiner Initial | Document Number | Date | Name | Class | Subclass | Filing Date If Appropriate |
|-------------------|-----------------|------|------|-------|----------|----------------------------|
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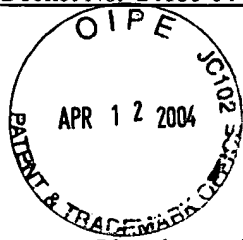
FOREIGN PATENT DOCUMENTS

| | | | | | | | Translation | |
|--|-----------------|------|---------|-------|----------|--|-------------|----|
| | Document Number | Date | Country | Class | Subclass | | Yes | No |
| | | | | | | | | |
| | | | | | | | | |

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

| | | |
|--|----|---|
| | AP | Speed, C.S. et al., "Structure/Property Relationships in Exxpol™ Polymers," Society of Plastics Engineers, Polyolefins VII Int'l Conference, February 24-27, 1991, pp. 45-66. |
| | AQ | Van der Sanden, D., "A New Family of Linear Ethylene Polymers with Enhanced Sealing Performance," Proceedings of the 1991 Polymers, Laminations & Coatings Conference, September 3-6, 1991, pp. 289-297. |
| | AR | Van der Sanden, D. et al., "A New Family Of Linear Ethylene Polymers With Enhanced Sealing Performance Designed For Multilayer Barrier Food Packaging Films," Proceedings of the 1992 Polymers, Laminations & Coatings Conference, September 8-11, 1992, pp. 103-111. |
| Examiner | | Date Considered: |
| *Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | | |

In re Application of Galloway, et al.
"Multilayer Thermoplastic Films and Packages Made Therefrom"
U.S. Patent App. No. 08/899,410
Docket No. 24180-044007



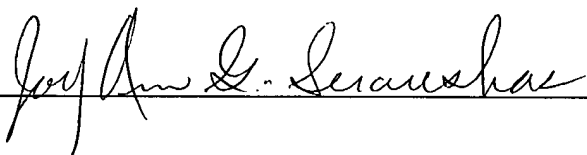
Certificate of Delivery by First Class Mail

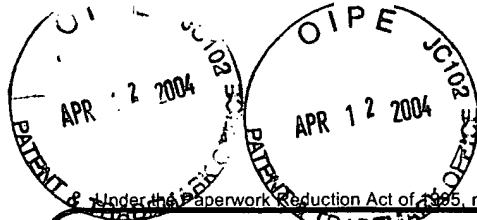
I hereby certify that the following documents:

1. Fee Transmittal (1 p. - in dup.);
2. Supplemental Information Disclosure Statement (2 pp.);
3. Form PTO-1449 (2 pp.);
4. Copies of Cited References (AA-AR) and
5. Return Postcard.

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for the above-identified application are being mailed via first class mail, postage prepaid, to U.S. Patent and Trademark Office 2011 South Clark Place, Customer Window, Mail Stop AF, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202 on April 6, 2004.





PTO/SB/17 (10-03)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180

Complete if Known

Application Number 08/899,410
Filing Date July 23, 1997
First Named Inventor Galloway
Examiner Name R. Dye
Art Unit 3627
Attorney Docket No. 24180-044007

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APR 20 2004
GPO

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number
Deposit Account Name

13-0206

McDermott, Will & Emery

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 1001 770 | 2001 385 | Utility filing fee | |
| 1002 340 | 2002 170 | Design filing fee | |
| 1003 530 | 2003 265 | Plant filing fee | |
| 1004 770 | 2004 385 | Reissue filing fee | |
| 1005 160 | 2005 80 | Provisional filing fee | |
| SUBTOTAL (1) (\$) | | | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Independent Claims | -20** = | X | |
| Multiple Dependent | -3** = | X | |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description |
|----------------------------|----------------------------|--|
| 1202 18 | 2202 9 | Claims in excess of 20 |
| 1201 86 | 2201 43 | Independent claims in excess of 3 |
| 1203 290 | 2203 145 | Multiple dependent claim, if not paid |
| 1204 86 | 2204 43 | ** Reissue independent claims over original patent |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|--|----------|
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 1053 130 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for ex parte reexamination | |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | Extension for reply within first month | |
| 1252 420 | 2252 210 | Extension for reply within second month | |
| 1253 950 | 2253 475 | Extension for reply within third month | |
| 1254 1,480 | 2254 740 | Extension for reply within fourth month | |
| 1255 2,010 | 2255 1,005 | Extension for reply within fifth month | |
| 1401 330 | 2401 165 | Notice of Appeal | |
| 1402 330 | 2402 165 | Filing a brief in support of an appeal | |
| 1403 290 | 2403 145 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,330 | 2453 665 | Petition to revive - unintentional | |
| 1501 1,330 | 2501 665 | Utility issue fee (or reissue) | |
| 1502 480 | 2502 240 | Design issue fee | |
| 1503 640 | 2503 320 | Plant issue fee | |
| 1460 130 | 1460 130 | Petitions to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 180 | 1806 180 | Submission of Information Disclosure Stmt | 180.00 |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 770 | 2809 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 770 | 2810 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 770 | 2801 385 | Request for Continued Examination (RCE) | |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 180.00

SUBMITTED BY

(Complete (if applicable))

Name (Print/Type) Joy Ann G. Serauskas
Registration No. 27,952
Telephone 312-372-2000
Signature Joy Ann G. Serauskas
Date April 6, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.